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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,295	08/24/2001	Torsten Heinemann	011218	2544

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EXAMINER

MCDERMOTT, KEVIN

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 12/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/939,295

Applicant(s)

HEINEMANN, TORSTEN

Examiner

McDermott, Kevin

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claims 5-12 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The Abstract is objected to because the references numbers and associated parentheses should be removed and line 15 uses the legal terminology "means".

The disclosure is objected to because of the following informalities:

- a. Page 9, line 17. It appears that "another" should be corrected to --other--.
- b. Page 10, line 25. It appears that "protruberances" should be corrected to --protruberance--, and that "recesses" should be corrected to "recess".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3, lines 8 and 9 recite "its". This language is considered vague and indefinite.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2, and claims 3 and 4 as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudden in view of Keel.

Rudden discloses in figures 1-4 and in column 2, line 58 to column 3, line 28, a siding panel system 10 including a plurality of siding panels 12 in an interlocking relationship. Each panel is formed of a one-piece preferably plastic enclosure 14 delimiting an insulation chamber 16. An insulating material 18 is disposed in the insulation chamber 16. The enclosure 14 defines a male engagement section 22 and a female engagement section 24 shaped to receive female and male engagement sections of adjacent siding panels.

The siding panel system 10 is the claimed covering arrangement for a building. The insulating material 18 is the claimed core and the plastic enclosure 14 is the claimed upper and lower planar covering elements. The male and female engagement portions 22, 24 are the claimed complementary connecting devices by which means neighboring siding panels 12 are firmly connected together. The male engagement portion 22 is the claimed catch projection and the female engagement portion 24 is the claimed catch recess.

However, Rudden does not specifically disclose the siding panels 12 having an elongate form, or the siding panels 12 being arranged on parallel elongate supports, such as rafters of a roof.

Keel discloses in column 1 a clapboard 15 comprised of a panel 20, a sealing strip-type interlocker 30, and a holding strip-type interlocker 40. Keel further discloses in figures 4 and 5 and in column 4, lines 30-35, attaching a plurality of clapboards 15, 19 to a supporting structure, such as trusses 13 of a roof, or studding of a wall. The member of the truss that defines the roof support is a rafter. Conventional construction practice installs trusses/rafters and wall studs parallel to each other in building construction and disposes the siding transversely on the rafters and studs. Column 3, lines 22-28 disclose the dimensions of the panels 20 being 14-1/4 inches by 8 feet. These dimensions indicate the clapboard has an elongate, striplike form.

Therefore, Examiner contends it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the siding panel system of Rudden so

Art Unit: 3635

that the siding panels 12 have an elongate/striplike shape and are attached directly to studs or trusses/rafters of a structure.

One of ordinary skill would be motivated to make such a modification to provide a roof with sufficient weatherproofness, freedom from warping, strength, lightness, stiffness, and durability.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kevin McDermott, whose telephone number is 703-308-8266.

KM 12/02/02



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600